## IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

NO. 3:18-cv-00047
JUDGE CAMPBELL
MAGISTRATE JUDGE NEWBERN

## **ORDER**

This case is set for trial on May 11, 2021. Pending before the Court are Defendant's Motions *in Limine* (Doc. No. 135) and Objections to Plaintiffs' Deposition Designations (Doc. No. 145). The Court held a pretrial conference on May 3, 2021. For the reasons stated on the record, the Court rules on Defendant's Motions *in Limine* and objections as follows:

- 1. Defendant's Motion *in Limine* regarding the Great American Insurance Policy ("Lender-Placed Insurance Policy") is **DENIED**. Defendant is expected to make contemporaneous objections at trial to the evidence it considers to be inadmissible under applicable rules.
- 2. Defendant's Motion *in Limine* regarding its letter responding to notice of error by Plaintiffs is **DENIED**. Defendant is expected to make contemporaneous objections at trial to the evidence it considers to be inadmissible under applicable rules.
- 3. Defendant's Motion *in Limine* regarding testimony as to the ultimate issue of compliance with RESPA and Regulation X is **DENIED**.
- 4. Defendant's Motion *in Limine* regarding testimony of its corporate representative regarding State Farm's willingness to cooperate with it is **DENIED**.

- 5. Defendant's Motion *in Limine* regarding LoanCare's policies and procedures and servicing agreement is **DENIED**.
- 6. Defendant's Motion *in Limine* regarding testimony of LoanCare's corporate representative regarding knowledge of RoundPoint's system is **DENIED**.
- 7. Defendant's Motion *in Limine* regarding records of servicers other than itself that do not reference or concern it is **DENIED**. Defendant is expected to make contemporaneous objections at trial to the evidence it considers to be inadmissible under applicable rules.
- 8. Defendant's Motion *in Limine* regarding its interrogatory response stating that it sent faxes to State Farm is **DENIED**. Defendant is expected to make contemporaneous objections at trial to the evidence she considers to be inadmissible under applicable rules.
- 9. Defendant's Motion *in Limine* regarding exhibits not disclosed during discovery is **GRANTED**.
  - 10. Defendant's Motion in Limine regarding prior lawsuits against it is **GRANTED**.
- 11. Defendant's Motion *in Limine* regarding offers of compromise or settlement is **GRANTED**.
- 12. Defendant's Motion *in Limine* regarding evidence of its wealth or financial condition is **GRANTED**.
- 13. Defendant's Motion *in Limine* regarding records and documents not properly authenticated and for which a foundation is not properly laid is **DENIED**. Defendant is expected to make contemporaneous objections at trial to the evidence she considers to be inadmissible under applicable rules.
- 14. Defendant's Motion *in Limine* regarding improper testimony by lay witnesses is **DENIED**.

- 15. Defendant's Motion in Limine regarding undisclosed expert opinions is **GRANTED**.
- 16. Defendant's Motion *in Limine* regarding failure to call any witnesses is **DENIED**. The Court will address this issue in the jury instructions.
  - 17. Defendant's Motion *in Limine* regarding hearsay is **GRANTED**.
- 18. Defendant's Objections to Plaintiffs' Deposition Designations (Doc. No. 145) are **DENIED**.

It is so **ORDERED**.

WILLIAM L. CAMPBELL, JR/ UNITED STATES DISTRICT JUDGE